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JAN 30 2007

OFFICE OF PETITIONS

In re Application of :
George Brainard :
Application No. 09/853428 : LETTER
Filing or 371(c) Date: 05/10/2001 :
Attorney Docket Number: :
BRA01-NP002 :

This is a letter in response to the Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b), filed August 1, 2006; the "Request for Reconsideration of Letter Restarting Period of Response Mailed November 7, 2003", and "Supplemental Amendment, Petition and Fee to add Originally Erroneously Named Inventors in Declaration (37 C.F.R. § 1.48(a)". The delay in treating this petition is regretted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed October 24, 2003, and re-mailed November 7, 2003. The Office action set a three (3) month period for reply.

Applicant filed an Amendment on November 10, 2003, and a Notice of Appeal on May 10, 2004; however, Applicant failed to file a brief in support of Appeal. Since no claims were allowed, the application became abandoned for failure to timely and properly reply to the non-final Office action mailed November 7, 2003, on February 8, 2004.

Applicant files the instant petition, Request for Continued Examination ("RCE"), a "Request for Reconsideration of Letter Restarting Period of Response Mailed November 7, 2003", and "Supplemental Amendment, Petition and Fee to add Originally Erroneously Named Inventors in Declaration (37 C.F.R. § 1.48(a)".

The petition under 37 CFR 1.137(b)

Applicant has filed a Request for Reconsideration of Letter Restarting Period of Response Mailed November 7, 2003. Because the application became abandoned for failure to timely and properly reply to the November 7, 2003 Office action, and because Applicant is requesting reconsideration of the Office action, a Decision on the petition to revive the application will be held in abeyance pending resolution of Applicant's Request for Reconsideration.

The Application is being referred to Technology Center Art Unit 3739 for consideration of the Request for Reconsideration of Letter Restarting Period of Response Mailed November 7, 2003.

The petition under 37 CFR 1.48(a)

Petitions to correct inventorship under 37 CFR 1.48 are also decided in the Technology Center. Applicant is advised that "Amendment of the inventorship requires:

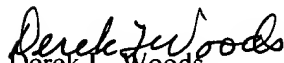
- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).requesting reconsideration of the 37 CFR 1.48(a).

Finally, the application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

It is also noted that two addresses appear on the petition. Applicant is advised that this Office does not engage in dual correspondence. See, MPEP 402.10

The Application is being referred to Technology Center Art Unit 3739 for consideration of the Request for Reconsideration of Letter Restarting Period of Response Mailed November 7, 2003.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.


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Office of Petitions

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